

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

DERRICK GIBSON
MSGT, U.S. ARMY,

and

STEVEN BROWN
SSG, U.S. ARMY, *et al*, for themselves
and all others similarly situated

Plaintiffs

v.

LLOYD AUSTIN
Secretary of Defense,
U.S. DEPARTMENT OF DEFENSE
Washington, D.C. 20301

and

JANET WOODCOCK,
Acting Commissioner,
U.S. FOOD AND DRUG
ADMINISTRATION

and

XAVIER BECERRA
Secretary of the U.S. Department of
Health and Human Services
U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES

Defendants

Civil Action No. _____

Declaration of Brittany N. Puckett, SSgt, U.S. Air Force

I, SSgt Brittany Puckett, do hereby declare as follows:

1. I am over the age of 18 years, have personal knowledge of the matters set forth in this Declaration, and if called upon to testify to them, I would and could do so competently.
2. I am a SERE Specialist, 1T0X1 in the United States Air Force currently serving at the 27SOSS Cannon, AFB New Mexico. Sanger, Texas in Denton County is my home of record.
3. I enlisted in the summer of 2014 and have completed nearly seven years of service without delinquency. I am survival, evasion, resistance, and escape specialist. I have completed 29 jump missions and have led thousands of hours of instruction for aircrew who are at high risk of isolation while performing in austere conditions.
4. Throughout my career, I have served honorably devoting years to my duty taking officers and enlisted alike into the remote wilderness in order to educate our service men and women how to return with their honor intact after entering enemy lines. My work is now dedicated to becoming a well-rounded personnel recovery expert in order to aid in coordinating missions in a Joint Operations Center as well as to conduct training to assess the knowledge of aircrew prior to their deployment.
5. I submitted a Religious Accommodation (RA) request in response to the COVID vaccination mandate on or around 15 September 2021. [ATTACHMENT 1]
6. It is required of me to be proficient in my duties by attending continuation training such as observation trips, attend temporary duty locations, and to attend hands-on schooling from various organizations. I was supposed to deploy in the spring of this year. I have been denied these opportunities because of my choice to submit a religious accommodation for the Covid-19 vaccination

7. After finding out that the vaccinations utilize mRNA, or gene-vector technology (J&J), I did not feel comfortable with receiving a product of this nature. I had already contracted Covid-19 in December of 2019. When tested for antibodies, the results showed that I had gained substantial immunity to the virus. [ATTACHMENT 2] I have not been infected with the virus since then although I have been in close contact with positive cases.

8. After submitting my religious accommodation, I received a notification from my commander that my religious accommodation was denied on, or around, 28 January 2022. The official denial letter utilized a drop-down menu instead of plain-text and had grammar mistakes. I chose to appeal the denial of my religious accommodation and I am awaiting a response.

9. It is of note that I have been doing my due diligence to make it aware to my leadership that I believe the order to be vaccinated at this time against Covid-19 may be in violation of codes and regulations. I have sent several emails up and down my chain of command, the chain of command at our base clinic, filed an Article 138 against my base commander, and have sat down with the Inspector General on this matter.

[ATTACHMENT 3]

10. So far, I have not heard back from any of my complaints, except for the DoD IG complaint submitted in November of last year, in which I have had to file a FOIA in order to see why it was closed, inconclusively. I am still awaiting a response.

11. When going to my base clinic immunizations section, I was brought to the back to have a private conversation with the individuals working the desk. They provided me a copy of the list of all Covid-19 lot numbers at our base and allowed me to take photos of vials to show to the Inspector General. [ATTACHMENT 4] They informed me that they

too agree that the immunizations are not fully FDA approved, and that they are not providing the appropriate informed consent in compliance with CFR Title 21 50.23, but they fear for their medical license, careers, and claim to have already filed whistleblower complaints since the order and consent forms for the inoculations to be administered had come down from the Secretary of Defense and their leadership.

12. I am facing actions taken against me as a result of not being able to be vaccinated against Covid-19 due to my religious beliefs. I am being told that I will receive a less than Honorable discharge [General under honorable conditions] for my service, which will cause a loss for the opportunity for retirement, I will not be able to contribute further to my TSP account, I may lose my eligibility for VA benefits, my GI Bill, may have to pay back my selective reenlistment pay of approximately \$55,000 and not receive involuntary separation pay or terminal leave.

13. I married my husband only about three years ago and this is the first time we have purchased a home together in June of 2021. If I lose my career, I may lose my home, not be able to afford a vehicle or cell phone, and my marriage will in jeopardy. Typically, service members have the option of skill-bridge and are afforded opportunities prior to separation to seek other employment avenues. The sudden, rapid rate, at which the Department of Defense is “booting” people from the service, due to denying this inoculation, may cause some veterans, to include myself, to become homeless for a period of time.

14. I have contacted over 67 United States Representatives, to include United States Senators, and have received less than five responses with all stating that there is no recourse for military members facing this egregious chain of events. I was told that it will be “settled in court by the lawsuits”.

15. My vaccination status did not prevent me from continuing to execute the mission of the United States Air Force. During the pandemic, I completed all duties previously and currently required of me. I am still performing my duties without being vaccinated. I have never had to telework or be on quarters due to being infected with Covid-19, since December of 2019 when initially infected. However, I have had coworkers who were vaccinated against Covid-19 having to stay home from duty due to them claiming of being infected by Covid-19 this year. I have been in close-contact with many positive cases and have not re-contracted the virus since initially catching it.

16. Not only do I believe that the Executive Order is not being fulfilled by those who are being vaccinated due to them continuously being infected, but I believe that the deadline to be vaccinated against Covid-19 violates laws and regulations to include, but not limited to USC Title 10 1107a, CFR Title 21 50.20-50.23, 21 USC 360bbb-3, AR 40-562/BUMEDINST 6230.15B/AFI 48-110_IP/CG COMDTINST M6230.4G., DODD 6205.3, DODD 6205.02E, DODI 6200.02, and the Nuremburg Code due to the lack of a fully FDA approved product being available or a Presidential Waiver signed. The Area Defense Counsel supports these claims in a document submitted with the Article 138 presented to my leadership. [ATTACHMENT 5]

17. I declare under penalty of perjury, under the laws of the United States, that the foregoing statements are true and correct to the best of my knowledge.

Executed this February 17, 2022.



BRITTANY N. PUCKETT, SSGT, USAF
SERE Specialist, 1T071